Subject: Re: CPRA Response Letter to [redacted] - 9.7.20
From: [redacted]
Date: 9/8/20, 7:10 AM
To: "Mark Smith" <n3145@lapd.online>

Thanks, Mr. Smith.

On the other hand, the case you cite about the governor's calendars is about the governor, an elected executive official, and not about every government official in the world. If anyone believed that court meant to make all calendars exempt from production then (a) they would have said so and (b) the legislature would have incorporated the exemption into the law as they do.

Furthermore, as I'm sure you know from your reading of the law, the CPRA incorporates dozens of exemptions that apply only to the office of the governor, including protections of the Governor's putative deliberative process. The Governor has a very special place in the CPRA, and the fact that the legislature chose to include so many broad exemptions to protect that office and neglected to put in a single one about the OIG cuts against your exemption claim here.

Also, people meet with the governor regularly to try to influence their actions. Presumably this doesn't happen with the OIG, so it's not clear at all that the OIG's calendars have anything whatsoever to do with deliberative process. Not only that, but five years is very different from 8 months. These sorts of reasons are why the court held as they did based on 6255(a), which requires such a finding to be based on the particular facts of the case.

Which, by the way, is the reason that whoever wrote your response, who I'm assuming although the evidence at this point is thin are technically competent attorneys, is purposely rather than inadvertently being deceptive when they say things like 'finding that any public interest in disclosure “is simply crushed under the massive weight” of the request for the wholesale production of calendars.'

The Court's holding was based on the particular facts of that particular case, as the law requires it to be. Saying it as if it were some absolute exemption rather than an illegitimate attempt to swaddle an unsupportable exemption claim in legalistic nonsense is fundamentally dishonest.

Therefore please reverse your position, and do so explicitly by Friday, September 18, 2020 or I will proceed on the assumption that

the City of Los Angeles is explicitly and illegally denying me access to these records.

Also, without waiving any claims against or objections to the City's illegitimate reasoning with respect to this reasoning, and without my narrowing my request, at this time please send me as many of the OIG's calendars, beginning from January 1, 2020, as will won't trigger your objections as stated.

Furthermore, you neglected to state the name(s) and title(s) of the person(s) who determined that these exemptions apply. This is required by the CPRA. Please do so immediately.

And finally, the CPRA requires the City of Los Angeles to include an estimated production date in its response, which it has also failed to do. Vague statements about production on a rolling basis, possibly lasting years, is not sufficient. Tell me roughly how many records there are and roughly when you will complete production.

Thanks!

[redacted]

On Mon, Sep 7, 2020, at 9:44 PM, Mark Smith wrote:

> D[redacted]
>
> The Office of the Inspector General (OIG) has reviewed your requests for records pursuant to the California Public Records Act (Cal. Govt. Code §§6250, *et seq.*, hereafter "CPRA" or the "Act"), which we received on July 29, 2020. Your requests seek the following categories of records for the time period 2019 and 2020: (i) daily calendars of the Inspector General; (ii) emails between OIG staff and any email address at lapd.com; (iii) emails between OIG staff and any email address at lappl.org; and (iv) emails between OIG staff and anyone representing LAPPL (Los Angeles Police Protective League).
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> The OIG is cognizant of its responsibilities under the Act. It recognizes the statutory scheme was enacted in order to maximize citizen access to the workings of government. The Act does not mandate disclosure of all documents within the government's possession. Rather, by specific exemption and reference to other statutes, the Act recognizes that there are boundaries where the public's right to access must be balanced against such weighty considerations as the right of privacy, a right of constitutional dimension under California Constitution, Article 1, Section 1. The law also exempts from disclosure records that are privileged or confidential or otherwise exempt under either express provisions of the Act or pursuant to applicable federal or state law, per California Government Code Sections 6254(b); 6254(c); 6254(f); 6254(k); and 6255. The OIG has conducted an inquiry and search for